IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 7462 of 2004

Between:

1. Dr.Syed Mahood Najmi, S/o.Late Syed Shoeb,
   Govt.Indian Medicines and Homeo Dept.
2. Farhat Sultana W/o.Dr.Syed Mahmood Najmi,
   Both. R/o.H.No.10-3-752/1/A, (A.P.H.B.)243-3RT,Vijayanagar Colony,
   Hyderabad.

.... PETITIONERS

AND

1 The Chief Election Commissioner, Govt. of India, office at New Delhi.
2 The Chief Electoral officer, Govt. of Andhra Pradesh, office at

Secretariat, Building, Hyderabad.
3 The Deputy Commissioner, The Electoral Registration officer

Municipal Corporation of Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly in the nature of writ of mandamus directing the respondents to include the petitioners and their family members name as per their details given under Form No.6, on 6-11-03, 9-12-2003, 27-1-2004 and 28-1-2004 in the Electoral Rolls of Asifnagar Constituency and Secunderabad parliamentary Constituency, and also issue necessary Electoral cards and Photo identity Card on the above said given address i.e.H.No.10-3-752/1/A (A.P.H.B.)243-

3 Rt, Vijayanagar Colony, Hyderabad and consequently direct the respondents to permit the petitioners and their family members to cast their votes in the forth coming General Election for the (213) Asifnagar Asembly/Secunderabad parliamentary Constituency to be held on 20-4-2004, and to punish the Respondent No.1 under section 32 of the representations of the people Act, 1950 for Breach of official duties and to grant such other and further relief as this Hon'ble Court deems fit and proper in the circumstances of the justice.

Counsel for the Petitioner: MR.ALI FAROOQUE

Counsel for the Respondents: SMT.C.JAYASREE SARATHY

The Court made the following :

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ORAL ORDER: (per the Hon'ble Chief Justice)

We are not inclined to go into the disputed questions of fact as regards the dereliction of duties on the part of the respondents and their officials in discharge of their duties for which we reserve liberty to the petitioners to take out appropriate proceedings in a competent Court of law, which will be entitled to record findings on

the disputed questions of fact. As of today, after filing of the writ petition, names of the petitioners are duly shown in the 2nd supplement of P.S.Nos.102 and 103 of 213 Asif Nagar Assembly Constituency which were published on 3.4.2004.

We are not inclined to go with the remaining questions as we have already dealt with them by a separate order in W.P.No.7734 of 2004, which we have just now disposed of. With the same liberty, this writ petition shall also stand disposed of. In case there is any provision for issuance of photo identity card, we reserve liberty to the petitioners and on the petitioners making a fresh application for issuing photo identity cards, the respondents will ensure that within a period of one month from the date of receipt of such an application, the photo identity cards are made available to the petitioners on compliance of other requirements as may be required to be complied with in law.

The writ petition shall accordingly stand disposed of. No costs.

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DEVINDER GUPTA, CJ

Dated 14.2.2005

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B.SESHASAYANA REDDY,J

msv

To

1 The Chief Election Commissioner, Govt. of India, office at New Delhi.
2 The Chief Electoral officer, Govt. of Andhra Pradesh, office at

Secretariat, Building, Hyderabad.

3 The Deputy Commissioner, The Electoral Registration officer

Municipal Corporation of Hyderabad.

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